

Rules for Students

2010



UNIVERSITY OF
KWAZULU-NATAL

RULES FOR STUDENTS

CODE OF CONDUCT

1. Consistent with the right of each individual to freedom of conscience, opinion and expression, and with the need for there to be a free exchange of views amongst members of the University community, it is the right of each member of the University community, and of properly invited visitors, to express their views on the platforms of the University provided such views are not supportive of violence or of the infringement of the dignity and fundamental individual rights of others.
2. Under no circumstances will any form of violence or threats of intimidation be tolerated within our community. Violence, threats of violence and intimidation are particularly repulsive within a University community committed to reasoned debate, and behaviour by any individual within the University community which either causes or threatens to cause harm to another individual or damage to property is unacceptable.
3. Further, because of the sensitivities involved in the present circumstances, acts which are clearly designed to be provocative and thus likely to cause acrimony or violent conflict will not be tolerated.

REGULATION OF GATHERINGS ACT

The University respects and upholds the right of any individual within the University community to participate in gatherings, processions and demonstrations on any campus of the University. However, such right must be exercised subject to the rights of other members of the University community and the public at large. This applies to both participants and non-participants in any gathering, procession, etc. Further, the holding of any such gathering, procession etc must be in compliance with the law. In this regard, the following rules are applicable in terms of the **Regulation of Gatherings Act 205 of 1993**:-

- (a) any organisation on any campus of the University intending to hold a gathering must appoint a person (referred to as a convenor) to be responsible for the arrangements for that gathering and to liaise with

relevant members of the SAPS, the local authority and the University. In particular the convenor must liaise with the Director of Risk Management Services on the campus concerned;

- (b) the convenor must give at least 7 days' notice of the intended gathering to the Director of Risk Management Services concerned. (Where it is not reasonably possible to give seven days' notice then notice must be given at the earliest opportunity. However, where less than 48 hours notice is given the gathering may be prohibited);
- (c) such notice must set out the details of the gathering. In particular it must specify the name and address of the convenor and the organisation; the purpose of the gathering; time, date, duration and venue; the number of participants and marshals and, in the case of a procession, details of the route and the manner and means of transporting participants to the event;
- (d) the local authority is entitled to impose reasonable conditions in regard to the conducting of the gathering which will have the effect of minimising disruption of traffic and non-participants as well as reducing the risk of violence and public disturbance;
- (e) as far as the actual conduct of the gathering is concerned, all participants are obliged to abide by the laws as well as any conditions that might be imposed. The convenor is responsible for ensuring that sufficient marshals are in place to maintain order;
- (f) in addition, all participants shall refrain from uttering any words that are likely to encourage violence or incite racial or ethnic hatred;
- (g) participants shall also not wear any disguise or mask that obscures facial features or wear any uniforms resembling those of security forces;
- (h) no-one may be armed while participating in any gathering;
- (i) all orders of members of the SAPS must be obeyed.

GENERAL RULES

- 1(a) Every student, by signing an official registration form, becomes subject to the rules of the University contained, or referred to, in these rules, which are administered in terms of the Rules for Student Discipline, a copy of which is available for inspection in the office of the Registrar.
- (b) Any person who enters the University with the intention of

registering as a student and/or who uses the University facilities as if he or she were a student shall be deemed to be a student for the purposes of the Rules for Student Discipline.

- (c) Both these General Rules and the Rules for Student Discipline are prescribed by the Council of the University in terms of section 36 of the Higher Education Act No. 101 of 1997.

2 Students shall wear academic dress at those functions for which such dress is prescribed.

3 The annual Rag publication shall be submitted to the Executive Dean (Students) for approval before it is distributed to the public.

4 Posters or notices emanating from a student or student society or sports club shall not be displayed without the prior approval of the Students' Representative Council or the relevant Sports body.

5 A sports club, society or other body shall obtain the prior permission of the Executive Dean (Students) for any tour or similar activity which involves the absence of students from classes.

6 A student who intentionally or negligently causes damage to any property owned, possessed or occupied by the University shall make good such damage.

7 Students shall acquaint themselves with, and comply with, the rules relating to examinations, the Common Rules for degrees, diplomas and certificates, the Rules of the Faculty concerned in respect of the degree, diploma or certificate for which they are registered and such rules as are prescribed and published in writing from time to time by the University libraries, residences, Students' Representative Councils and the Joint Sports Council.

RULES FOR STUDENT DISCIPLINE

- 8(1) In these Rules, the Vice-Chancellor and Principal is referred to as the Principal and the Executive Dean (Students) as the Executive Dean. The general supervision and control of student discipline is vested in the Principal and, except where otherwise directed by the Principal, shall be administered by the Executive Dean, in terms of these Rules.
- (2)(a) When a charge of having committed an offence as defined in these rules is pending against a student, or when, in the opinion of the Executive Dean, such a charge ought to be instituted against a student, or when a student has been charged with a serious crime, (as listed in Schedule 1 of the Criminal Procedure Act 51 of 1977, as amended) in a court of law, the Executive Dean may order that, until the final disposition of the charge, the student shall -
- (i) cease attending lectures or classes;
 - (ii) cease participating in such other activities of the University as may be specified;
 - (iii) not enter the precincts of the University or any specified part thereof;
 - (iv) not bring any motor vehicle onto the grounds of the University;
 - (v) cease to reside in any University residence.
- (b) The Executive Dean shall not make any order in terms of paragraph (a) unless -
- (i) the student has been given an opportunity to appear before the Executive Dean to show cause why the order should not be made; and
 - (ii) the Executive Dean considers it to be in the interests of the other students or staff or the University to make the order.
- (3)(a) The Director : Student Housing (the Director) may order a student who is alleged to have contravened any rule of the Rules for Student Discipline immediately to leave a residence and not return for a specified period not exceeding five (5) working days.
- (b) The Director shall not make an order in terms of paragraph (a) unless-
- (i) the student has been given an opportunity to show cause why the order should not be made; and
 - (ii) the Director considers it to be in the interests of the other students in the residence or in the interests of the proper enforcement of the Rules of Student Discipline to make the order.
- (c) The Director who has made an order in terms of paragraph (a) hereof shall, as soon as practicable provide a written report of the order and

the reasons for which it was made to the Executive Dean who shall either confirm or rescind the order.

- (d) If the order made in terms of paragraph (a) is confirmed, or if the student in question appeals against the order, the Executive Dean shall thereafter act in accordance with Rule 8(2), pending the conclusion of which the Executive Dean may extend the period of the student's exclusion from the residence.
- (4) The registration of any student who, while a registered student of the University, has been convicted of a serious crime (as defined in Rule 8(2)(a)) by a court of law may at any time be cancelled at the discretion of the Executive Dean.
- (5) In the event of the Executive Dean being unavailable, the powers and duties granted by Rules 8(2), 8(3) and 8(4) may be exercised by the Deputy Dean(s) of Students.

OFFENCES

- 9(1) A contravention of any of the following rules is an offence:
 - (a) No student shall intentionally or negligently misuse, damage, deface or destroy, or without authorisation, use any building, furniture, equipment, computer, vehicle, books, notes, documents or any other thing owned or controlled by the University or by any member of staff of the University or by any student of the University.
 - (b) No student shall bring onto, possess, use or supply on any premises owned or controlled by the University any dependence-producing drug as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992).
 - (c) No student while on property owned or controlled by the University shall unlawfully:
 - (i) discharge or point at any person any fire-arm, or
 - (ii) harm or threaten to harm any other person with a fire-arm or dangerous weapon.
 - (d) No student shall:
 - (i) unlawfully and intentionally or negligently cause the death of any person on property owned or controlled by the University.
 - (ii) unlawfully assault or inflict any physical injury on any other person; or
 - (iii) by acts or threats, unlawfully assault or attempt to assault, any person in a manner designed or intended to achieve

- sexual intercourse, or any other form of sexual gratification, of whatever nature or degree with the person assaulted; or
- (iv) indecently touch or assault any male or female person; or
 - (v) commit in respect of or upon the person of any other person any act of physical indecency, or by words, conduct or writing threaten to perform any act of physical indecency upon such person; or
 - (vi) while on any premises owned or controlled by the University or while participating in any University activity, by word or gesture address any person in a way that is obscene, indecent or offensive; or
 - (vii) by words, conduct or writing, propose, suggest or imply to another student, visitor, officer or member of the staff of the University any activity of a sexual nature if the student knows, or foresees, that the other person would consider such proposal, suggestion or implication is by reason of its sexual nature, offensive, demeaning or intimidatory to the person to whom it is addressed; or
 - (viii) steal or attempt to steal any money, property or other valuable thing;
 - (ix) unlawfully deprive a student, visitor, officer or member of staff of the University of the freedom of their person or liberty of movement;
 - (x) by deed, word or writing abuse or seriously impair the self-respect or reputation of a student, visitor, officer or member of staff of the University;
 - (xi) unlawfully invade the privacy of a student, visitor, officer or member of the staff of the University.
- (e) No student shall cheat in any University examination.
- (i) For the purposes of this rule cheating shall include:
 - (aa) the introduction, or attempted introduction, into any place where an examination is about to be conducted, of any book, note, cell-phone; or other device or instrument capable of storing, sending or receiving information, or any other article containing information, the use of which is not authorized by the examiner or the examination officer;
 - (bb) the possession, use, or attempted use, during an examination of any book, note, document, cell-phone, or other device or instrument capable of

- storing, sending, or receiving information, or any other article containing information the use of which is not authorised by the examiner or the examination officer;
- (cc) the removal or attempted removal from an examination room of any examination book or writing paper supplied by the University for the purposes of answering an examination;
 - (dd) the communication or attempted communication of any information relating to an examination to any candidate while the examination is in progress;
 - (ee) the use of a false name or identity number in an examination;
 - (ff) the submission for examination as own work any written matter or project which has been copied, reproduced or extracted, in whole or in part, from the work of another student or some other person, or which is substantially the same, in whole or in part, as the work of another student;
 - (gg) intentionally or negligently assisting another student to cheat as defined in paragraph (ff);
 - (hh) the commission of any other fraudulent, deceitful or dishonest practice whereby any student, while being examined by the University, seeks to mislead or deceive the examiner or the examination officer.
- (ii) For the purposes of this rule an examination includes every examination or test or assessment of a student's knowledge or performance organised or conducted by the University or any department of the University or any member of the academic staff of the University.
- (f) A student shall not obstruct, or attempt to obstruct, members of staff of the University, or of any contractor employed or retained by the University, in the performance of their duties.
 - (g) A student shall not occupy or be present upon any property or premises owned or controlled by the University after being required to leave such property or premises by a member of staff of the University acting within the scope of his or her duties.
 - (h) No student shall engage in conduct which disrupts or is likely to disrupt teaching, study or research or any meeting or any ceremonial or social activity at the University.

- (i) (a) No student shall unlawfully threaten another person with hurt, harm, damage or reprisal.
- (b) No student shall unlawfully threaten another student with hurt, harm, damage, or reprisal in order to induce such other student:
 - (i) to act or refrain from acting in any particular manner, or
 - (ii) to participate or not in any boycott, strike or stay away from any academic, ceremonial or social activity at the University.
- (c) No student shall unlawfully interfere by force or violence or threats of force or violence with the right or ability of another student or a member of the staff of the University or a person invited by the University to speak or lecture at the University, to express, proclaim, publish or disseminate in speech, writing, print or other medium, any views, doctrine, creed, belief or ideology.
- (d) No student shall unlawfully express, proclaim, publish or disseminate in speech, writing, print or other medium, any views, beliefs or ideology which infringe upon the dignity or individual human rights of another student or category, group or class of student, or any member of the staff of the University, or a person invited by the University to speak or lecture at the University.
- (j) No student shall:
 - (i) improperly use the name of the University, or
 - (ii) in any way whatsoever use or display the armorial bearings of the University without the written permission of the Registrar.
- (k) No student shall behave in a manner which is indecent or improper and which thereby brings discredit upon the University.
- (l) No student shall:
 - (i) disrupt the proceedings of a Student Discipline Court or other disciplinary tribunal,
 - (ii) fail, without just cause, to attend the proceedings of a Student Discipline Court or other disciplinary tribunal when required to do so,
 - (iii) make any false statement or give false evidence at, or in connection with, an inquiry before a Student Discipline Court or disciplinary tribunal,

- (iv) interfere with, threaten or intimidate any person who is or may be a witness at a Student Discipline Court or other disciplinary tribunal.
- (m) A student shall comply with any order made by a Student Discipline Court or any disciplinary tribunal.
- (n) No student shall intentionally or negligently make a false declaration to the University in any document signed by the student.
- (o) No student shall intentionally or negligently, by word or writing, make any representation to an officer of the University which causes prejudice to the administrative, financial or academic interests of the University or which has the potential to cause such prejudice, which the student knows to be false.
- (p) No student shall offer, present, deliver or tender to any officer of the University, any document which the student knows, or ought reasonably to know to be false or a forgery, and which causes prejudice to the administrative, financial or academic interests of the University or which has the potential to cause such prejudice.
- (q) No student shall agree to give, or offer or tender to any officer of the University, any pecuniary consideration or other reward in return for any action or inaction by the officer in an official capacity.
- (r) No student shall set on fire any property belonging to another student or the University or a member of the staff of the University with the intent to injure the University or such persons.
- (s) No student shall unlawfully break into and enter any building, room, store, or other premises owned or controlled by the University.
- (t) No student shall trespass upon any part of any property owned or controlled by the University in contravention of any notice or verbal or written instruction displayed, made or given by the Registrar or a person acting under the authority of the Registrar.
- (u) No student shall intentionally or negligently allow any other person to utilise his or her student card or student number for any purpose whatsoever, or utilise the student card or student number of another student for any purpose whatsoever.
- (v) A student shall comply with the provisions of Rule 44 in respect of payment of fines and/or reparations.

- (w) No student shall, except with the permission of the Executive Dean, bring onto or possess on any premises owned or controlled by the University any fire-arm or other dangerous weapon, or explosive substance.
 - (x) No student shall be in possession of or have under their control any property which has been stolen or which is reasonably suspected as being stolen.
 - (2) Any act, the performance of which is defined by Rule 21 as a Misdemeanour, may be charged as an Offence under this rule if, in the opinion of the Executive Dean, the act charged, if proved, would warrant the penalties prescribed for an Offence.
 - (3) Any act, the performance of which is defined by Rule 27 as a Misconduct, may be charged as an Offence under this rule if, in the opinion of the Executive Dean, the act charged, if proved, would warrant the penalties prescribed for an Offence.
- 10** A charge that a student has committed an offence under Rule 9 shall be heard by a Student Discipline Court, or, with the approval of the Executive Dean, by the Executive Dean's Tribunal.

STUDENT DISCIPLINE COURT

- 11(a)** There shall be a Student Discipline Court Panel consisting of the following panel of persons:
- (i) the professors of law and senior lecturers in law, nominated by the Dean of Law, and appointed by the Executive Dean; or any other suitably qualified and legally trained person who, in the opinion of the Executive Dean has the necessary expertise or experience; provided that no professor of law who is appointed to the office of Proctor in terms of Rule 43 shall be eligible to be a member of the Court;
 - (ii) members of the full-time staff of the University who shall be appointed by the Council as follows:
 - (aa) thirty-six members of the full-time staff of the University who are appointed on the recommendation of Senate, six from the Pietermaritzburg Campus, twelve from the Westville and Medical School Campuses, and eighteen from the Howard College and Edgewood Campuses;
 - (bb) at least two persons appointed on the recommendation of each of each Students' Representative Council;

- (iii) eight members of the Convocation of the University who are not employees of the University and who are chosen by the Council of whom four are resident in Pietermaritzburg and four in Durban.
- (b) The members appointed by the Council in terms of Rule 11(a)(ii) and (iii) shall be appointed for a period of two years, provided that:
 - (i) each year the Council shall appoint half of the number of members of the full-time staff required for the panel, and
 - (ii) if at any time there are less than the number of members required by Rule 11(a)(ii) the Council shall appoint such additional members as may be required.
- (c) In respect of each inquiry the Executive Dean shall nominate not less than three members of the panel to constitute the Student Discipline Court and shall, subject to Rule 11(f), appoint one of these to be the president of that court.
- (d) At the request of the accused student, the Executive Dean may invite the President of the Students' Representative Council in the centre concerned (or a person nominated by the Students' Representative Council) to be an additional member of the Court for the inquiry.
- (e) The Principal may direct that, in a particular inquiry, the Executive Dean shall be an additional member of the Court, provided that, where the inquiry has been instituted by the Executive Dean in terms of Rule 14, the Executive Dean shall not be so appointed.
- (f) The president of the Student Discipline Court shall be a person with legal training or qualification.
- (g) A member who has been personally involved in any significant way in the events which are the subject of the inquiry shall not be appointed as a member of the Court that inquires into the matter or, if appointed, shall request to be recused.
- (h) If at any stage in an inquiry one or more of the members is absent or recused or retires or for any other reason becomes incapable of continuing as a member, the inquiry may continue, provided that the remaining members constitute a majority of the members of the Court before whom the proceedings commenced. If proceedings are not or cannot be continued in terms of this rule, the inquiry shall be commenced *de novo*.
- (i) The decision of the majority of members of a Court at any inquiry shall be the decision of the Court.

Prosecutor

- 12** A prosecutor appointed in terms of Rule 41 shall appear before the

Student Discipline Court and prosecute the charge against the student.

Representation of Accused Student

- 13(a)** An accused student may, subject to the provisions of Rule 13(c), personally conduct a defence but may not be legally represented other than as set out in Rule 13(b) hereunder.
- (b)** An accused student may, subject to the provisions of Rule 13(c), be represented by another student or a member of the staff of the University or by a student's representative appointed in terms of Rule 42.
- (c)** Where a Court has made an order in terms of Rule 17(k) the Executive Dean shall appoint a Student Representative who shall be a full-time member of the academic staff in the Faculty of Law.

INQUIRY PROCEDURE

Executive Dean of Students

- 14(a)** Proceedings before the Student Discipline Court shall be undertaken upon the instruction of the Executive Dean, acting on the advice of a Proctor, who shall determine who shall be charged, what the charge shall be, what investigations shall be carried out, and what evidence shall be obtained. The Executive Dean shall instruct Student Discipline Office to notify the student or student organisation (as defined in Rule 15) that a proceeding is to be instituted.
- (b)** If in the opinion of the Executive Dean a prosecution of a student being conducted before a tribunal other than the Student Discipline Court ought to be brought before the Student Discipline Court, the Executive Dean may instruct that the current proceedings be terminated and that the student be charged before the Student Discipline Court upon such charge or charges as the Executive Dean may determine.
- 15** If it appears that an offence has been committed by students while engaged in the business, affairs or activities of a student society, council, committee, union, club or other association or organisation of students (for the purposes of these rules hereinafter referred to as a student organisation) the prosecutor may charge such organisation with the offence that has been committed, and the organisation shall appear before the inquiry in the form of its president or chairperson and its secretary.

Notice

16(a)(i) When proceedings against a student are instituted in terms of Rule 14, the Student Discipline Office shall give the student concerned not less than 120 hours notice in writing of the place and time of the inquiry, provided that within the last three (3) weeks of any semester such notice be not less than seventy-two (72) hours, excluding weekends.

(ii) Such notice shall be delivered to the student personally, or by e-mail to the student's official University e-mail address, subject to proof of receipt, provided that if the student cannot conveniently be found, the notice may:

(aa) be posted by registered post to the student's last known address as provided by the student and shall be deemed to have been received by the student within a period of 48 hours after the time of posting, or

(bb) be left at the student's last known address as provided by the student and shall be deemed to have been received by the student at the time of delivery.

(b) The notice referred to in Rule 16(a) shall inform the student:

(i) that proceedings under the Rules for Student Discipline are to be instituted and notify the student that a copy of the Rules is available for inspection in the office of the Registrar;

(ii) of the terms of the rule that the student is alleged to have breached and set out the charge in sufficient detail to acquaint the student with the case to be met;

(iii) that the student's representative is available to advise in relation to the charge and the preparation of a defence thereto;

(iv) that a defence to the charge may be conducted personally by the student or on the student's behalf by a person referred to in Rule 13(b) or Rule 13(c);

(v) that the student may give evidence at the inquiry and, either personally or through any person representing the student at the inquiry, call any witness, put questions to any witness, inspect any document or other evidence produced at the inquiry, and address the Court in mitigation of punishment;

(vi) that the student may, in terms of Rule 11(d), request that the President of the Students' Representative Council or a nominated student be appointed as a member of the Court that

shall inquire into the charge against the student.

Procedure at the Inquiry

- 17(a)** (i) Subject to the provisions of Rule 17(a)(ii) and Rule 17(k), the inquiry shall be conducted in the presence of the student charged with an offence.
- (ii) If a student, after notice duly given in terms of Rule 16, and without the leave of the court, fails to attend the inquiry, the inquiry may proceed in the absence of the student, provided that the student may make written representations to the Court which the Court shall consider.
- (b) An inquiry shall be conducted in public, except if the Court directs otherwise.
- (c) The Prosecutor shall lead the evidence against the accused student and generally conduct the case for the University.
- (d) The Court shall afford the student, or the person representing the student, a reasonable opportunity to present a defence and to answer the charges.
- (e) At the inquiry the Court shall:
- (i) be provided with any statements by witnesses or other relevant matter which has previously been exchanged by the representatives of the University and the student; and
- (ii) consider such documents or other evidence and hear any witnesses called by the University or the student, or person representing the student, and may put questions to such witnesses and to the student.
- (iii) consider and grant or otherwise, as it may determine, any application for the amendment of the charge, so as to add further charges or substitute one charge for another.
- (f) The Court may, of its own accord, call such witnesses as it may determine, or obtain any documents or other evidence relevant to the inquiry and may, in its discretion, instruct that any exercise, test, demonstration or experiment that may be relevant to a determination of the issue before it, be conducted.
- (g) At the conclusion of the hearing the Court shall decide, in the light of the evidence, whether or not the student is guilty of the offence charged. A finding of guilty shall be returned only if:
- (i) the offence charged has, in the opinion of the Court, been

proved on a balance of probabilities, or

- (ii) the student has freely and voluntarily admitted guilt and the Court is satisfied that there is evidence from the accused or from another source to substantiate the admission.

If the Court does not find the student guilty as herein provided, the student shall be acquitted.

- (h) The proceedings at an inquiry shall be recorded in full by the Registrar or by a competent person appointed by the Registrar for this purpose.
- (i) The provisions of Rules 16 and 17 shall apply in all appropriate respects to charges brought against a student organisation in terms of Rule 15.
- (j) An inquiry shall be conducted in an informal manner, according to the rules and principles of natural justice, and no accused shall suffer any disadvantage or prejudice by reason of any failure or omission on the part of the said accused or his or her legal representative to comply with any procedural rules or rules of evidence as applied in the ordinary courts of the land: Provided that the procedures prescribed by these Rules for Student Discipline shall be observed in all material respects, and provided further that any rules or instructions for the manner of conduct of a hearing, not inconsistent with these Rules, that may be laid down from time to time by a court hearing a charge, shall be observed and complied with.
- (k) If a Court considers it to be in the interests of the University or a student of the University that the name of a witness giving evidence before the Court should not be revealed or published, the Court, on application by the Prosecutor, may make any or all of the following orders:
 - (i) that, besides the members of the Court, only the person representing the University and the person representing the accused may be present in the Court when the witness testifies before the Court; or
 - (ii) that the name of a witness shall not be published in any report of the proceedings of the case; or
 - (iii) that the record of the evidence of the witness be transcribed in such a manner as to conceal the identity of the witness.

Procedure upon Conviction of a Student

- 18(a) Upon the conviction of a student of an offence, the Court shall impose one or more of the following punishments:
- (i) a warning or reprimand, or both,
 - (ii) an order for reparation for any damage caused by a date stipulated by the Court,
 - (iii) a fine not exceeding R2500 payable by a date stipulated by the Court,
 - (iv) exclusion from participating in specified activities of the University for a stated period,
 - (v) exclusion for a stated period from any part of the University or any place whether in the University or not,
 - (vi) exclusion from the University for a stated period of time,
 - (vii) expulsion from the University, in which event the student shall not be readmitted to the University, except as provided for in Rule 48.
 - (viii) disqualification from entry to any examination,
 - (ix) forfeiture of test, assignment, tutorial or other assessment marks
 - (x) punitive service to the University, imposed as a condition of the suspension of a sentence under (i) to (ix) above, provided that :
 - (aa) the Court has before it a letter, signed by the intended supervisor, agreeing to supervise the punitive service; and
 - (bb) the punitive service will not carry any credit.
- (b) In addition to any punishment imposed under Rule 18(a) where the offence involved is a contravention of Rule 9(1)(e) during an official University examination session, the Court shall impose the following punishments:
- (i) cancellation or forfeiture of all examination results of at least the examination session in question and any supplementary examinations in respect of that session, or
 - (ii) deprivation of a degree, diploma or certificate obtained as a result of the office;
and,
 - (iii) exclusion from the University for a minimum of two semesters, unless compelling mitigating factors are found to exist.
- (c) In addition to any punishment imposed under Rule 18(a), where the offence involved is a contravention of Rule 9(1) (d), (h) or (i), the Court may impose the following punishments:
- (i) disqualification from entry into any examination to be written

- within the academic year in which the offence was committed; or
- (ii) cancellation or forfeiture of any examination results attained within the academic year in which the offence was committed.
- (d) In addition to any punishment imposed under Rule 18(a), where the offence involved is a contravention of Rule 9(1), (e), (n), (o), (p) or (q), the Court may order the deprivation of a degree, diploma or certificate obtained as a result of the offence.
 - (e) Where the accused before the Court is a student organisation charged in terms of Rule 15, the Court may;
 - (i) impose any of the punishments provided for in Rule 18(a) (i)-(vi) inclusive, provided that where the punishment is reparation or a fine in terms of Rule 18(a)(ii) or (iii), the Court may direct that it be collectively levied upon all members of the organisation, provided further that the Court shall specify the maximum amount an individual student may be levied;
 - (ii) suspend the existence of such organisation for a specified period of time.
 - (f) Before imposing a punishment referred to above, a Court shall afford the student, or the person representing the student, the opportunity to submit evidence, including confidential information in writing, and to call witnesses, in mitigation of sentence. The Court shall also afford the University the opportunity to make representations regarding such interests of the University or the students of the University which ought to be taken into account by the Court in deciding upon the sentence it shall impose. In determining the sentence that it imposes, the Court shall take account of the evidence so adduced as well as the academic record and the general conduct at the University of the student before passing sentence upon the student.
 - (g) Upon the conviction of a student the findings and sentence of the Court and, unless the Court especially directs otherwise, the name and faculty of the student, shall be published in the University in such manner as the Court may direct.
 - (h) The conviction shall be recorded on the record of the student for the duration of the student's studies at the University, unless the Court specifically directs otherwise.
 - (i) At the conclusion of an inquiry, the Student Discipline Office shall

inform the student in writing in the manner provided for under Rule 16, of the outcome of the inquiry and of the terms of the sentence, if any, that has been imposed on the student and of the direction of the Court, if any, made in terms of Rule 18(g) and (h), and of the procedures for an appeal.

- (j) The provisions of Rules 18(f)-(g) shall apply in all appropriate respects to a conviction of a student organisation charged in terms of Rule 15.

Report

- 19 The Court shall make a report to the Senate and the Council of the charge it has considered, its findings, the punishment, if any, that it has imposed and the order, if any, made by it in terms of Rule 18(d).

Appeal

- 20 A student who has been found guilty of an offence may appeal to the Council in terms of Rule 38.

MISDEMEANOUR

- 21(1) A contravention of the following rules is a Misdemeanour:
- (a) No student shall, while on any property owned or controlled by the University, or at any University function or ceremony, behave in a noisy or riotous manner, or in such a way as to be a nuisance to other students or to any member of the staff or guests of the University.
 - (b) A student shall obey any lawful order of a member of the staff of the University as well as any instruction of the University.
 - (c) A student shall produce a student identity card upon lawful request by any member of the staff.
 - (d) No student shall organise, institute or engage in any form of initiation of students, or any campus or residence raids.
 - (e) A student shall observe the traffic rules of the University. (See page 61 and the Schedule of Fines on page 67).
 - (f) Failure to comply with an order made by a Residence Tribunal in terms of Rule 32(iv)(a)(ii).
 - (g) No student shall furnish a false name or false address to any authorised officer of the University.
 - (h) Consumption of liquor on campus, other than consumption at a place and time approved by the University. For purposes of this rule 'liquor' is defined in the Liquor Act, No59 of 2003.
- (2) Any act, the performance of which is defined by Rule 9(1) as an

Offence may be charged as a Misdemeanour under this rule if, in the opinion of the Proctor the act charged, if proved, would not warrant the penalties prescribed for an Offence.

- (3) Any act the performance of which is defined by Rule 27(1) as Misconduct may be charged as a Misdemeanour under this rule if, in the opinion of the Proctor the act charged, if proved, could warrant the penalties prescribed for a Misdemeanour.

Executive Dean's Tribunal

- 22(a) A student who is charged with committing a Misdemeanour as defined in Rule 21 shall appear before the Executive Dean's Tribunal or, where appropriate, a Traffic Tribunal.
- (b) An Executive Dean's Tribunal shall consist of the Executive Dean (or a person of sufficient standing and /or experience, nominated for such purpose by the Executive Dean) and, if the Executive Dean deems it necessary, not more than two members of the academic staff who shall be appointed by the Executive Dean as additional members of the Tribunal to assist in the inquiry, and the Proctor shall be present.

INQUIRY PROCEDURE

- 23 (a) An allegation that a student has committed a Misdemeanour shall be referred to the Proctor in the centre concerned.
- (b) If the Proctor is of the opinion that a student:
- (i) has transgressed a rule the contravention of which is defined as a Misdemeanour by Rule 21(1), or
 - (ii) may have committed an act which constitutes an offence as defined in Rule 9(1) but which in its nature is not sufficiently serious to warrant the penalties prescribed for an offence, or
 - (iii) has committed an act which constitutes Misconduct as defined in Rule 27(1) which in its nature is sufficiently serious to warrant the punishment prescribed for a Misdemeanour, s/he shall charge the student with a Misdemeanour and shall instruct the prosecutor to obtain such evidence and witnesses as may be necessary.
- (c) A student who is charged in terms of Rule 21 with having committed a misdemeanour shall be summoned by the Student Discipline Office to appear before an Executive Dean's Tribunal in accordance with Rule 16.
- (d) Where a student has been charged under Rules 9, 21, and/or 27, the Proctor may, in his or her discretion, inform the legal guardian of such student of the charges in writing and permit the legal guardian to be present at the disciplinary proceedings instituted against the said

student.

- 24 (a)** In conducting an inquiry referred to in Rule 22(a), an Executive Dean's Tribunal shall proceed in an inquisitorial manner and shall call and examine any witnesses who may be required to testify.
- (b)** If a student, after notice duly given in terms of Rule 23(c), and without the leave of the tribunal, fails to attend the inquiry, the inquiry may proceed in the absence of the student, provided that the student may make written representations to the tribunal which the tribunal shall consider.
- 25(a)** In the event of the Tribunal finding the student guilty of an offence or a misdemeanour, it shall impose one or more of the following punishments:
- (i)** a warning or reprimand, or both,
 - (ii)** an order of reparation for any damage or loss caused by a date stipulated by the Tribunal,
 - (iii)** a fine not exceeding R1400 payable by a date stipulated by the Tribunal,
 - (iv)** deprivation of all or specified student privileges for a stated period,
 - (v)** exclusion for a stated period from any part of the University or any place whether in the University or not,
 - (vi)** expulsion from a University residence,
 - (vii)** disqualification from entry to any examination,
 - (viii)** forfeiture of test, assignment, tutorial or other assessment mark,
 - (ix)** punitive service to the University, imposed as a condition of the suspension of a sentence under (i) to (ix) above, provided that :
 - (aa)** the Court has before it a letter, signed by the intended supervisor, agreeing to supervise the punitive service; and
 - (bb)** the punitive service will not carry any credit.
- (b)** In addition to any punishment imposed under Rule 25(a), where the offence involved is a contravention of Rule 9(1)(e) during an official University examination session, the Tribunal shall impose the following punishments:
- (i)** cancellation or forfeiture of all examination results of at least the examination session in question and any supplementary examinations in respect of that session, or
 - (ii)** if applicable, deprivation of a degree, diploma or certificate obtained as a result of the offence;

- and
 - (iii) exclusion from the University for a minimum of two semesters, unless compelling mitigating factors are found to exist.
 - (c) In addition to any punishment imposed under Rule 25(a), where the offence involved is a contravention of Rule 9(1)(e), (n), (o), (p) or (q), the Tribunal may impose the cancellation or forfeiture of any examination results attained within the academic year in which the offence was committed.
 - (d) Upon the conviction of the student the findings and sentence of the Tribunal, and, unless the Tribunal especially directs otherwise, the name and faculty of the student shall be published in the University as the Tribunal may direct.
 - (e) The conviction shall be recorded on the record of the student for the duration of the student's studies at the University, unless the Tribunal specifically directs otherwise.
- 26 A student may appeal against a decision of an Executive Dean's Tribunal in the manner set out in Rule 39.

MISCONDUCT

- 27(1) A contravention of the following rules is Misconduct:
- (a) No student shall misbehave when participating in any University activity, academic or non-academic, within or without the precincts of the University.
 - (b) No student shall misbehave in any residence, or the Students' Union, or premises under the control of the relevant Sports body.
 - (c) No student shall within or without the precincts of the University behave in a manner that tends to bring discredit or disrepute upon the University.
 - (d) A student shall comply with all duly constituted rules made for Halls of Residence or by the relevant Sports body or the Students' Representative Council.
 - (e) No student or student organisation {as defined in Rule 15} shall knowingly contravene, ignore or defy any duly enacted resolution of a Students' Representative Council that imposes a duty of compliance upon any student or student organisation or member of such organisation.
 - (f) A student shall not smoke in any part of the premises of the University where smoking is prohibited by notice. Smoking is

prohibited within any university building.

- (g) A student shall obey any lawful order or instruction of an Officer-in-Charge of a residence or member of a house committee of a hall of residence which has been promulgated in an appropriate manner or otherwise published or made known within the hall of residence.
- (2) Any act, the performance of which is defined by Rule 21(1) as a misdemeanour, may be charged as misconduct under this rule if, in the opinion of the Proctor the act charged, if proved, would not warrant the penalties prescribed for a misdemeanour.

TRIBUNALS

Students' Representative Council (SRC) Tribunal

- 28(a) A student who is charged with any act of misconduct as defined in Rule 27 in relation to any activity organised or sponsored by, or under the jurisdiction of the SRC, or upon any facility controlled by the SRC, shall appear before a tribunal of the Students' Representative Council.
- (b) A SRC Tribunal shall consist of the whole Students' Representative Council, or, if the SRC so decides, an *ad hoc* committee of the SRC consisting of not less than three members appointed by the SRC.

Residence Tribunal

- (c) A student who is charged with Misconduct as defined in Rule 27 in, or in relation to, a residence shall appear before a Residence Tribunal.
- (d) A Residence Tribunal shall consist of:
 - (i) the Deputy Dean of Students for the campus concerned
 - (ii) a Residence Life Officer or a Residence Life Coordinator appointed by the Deputy Dean of Students for the campus concerned, and
 - (iii) the President of the House Committee or a nominee who shall be a member of the House Committee.

House Committee Tribunal

- (e) A student who is charged with Misconduct as defined in Rule 27 which occurred in, or in relation to, a residence, and constitutes a breach of the rules of the residence, shall appear before a House Committee Tribunal, provided that if the alleged misconduct is of a serious nature, the President of the House Committee shall report the charge to the Director : Student Housing who shall decide whether

the charge shall be considered by the House Committee, or referred to a Residence Tribunal or the Executive Dean.

- (f) A House Committee Tribunal shall consist of the House Committee as a whole, or, if the President so decides, an *ad hoc* committee consisting of not less than three members of the House Committee appointed by the President.

Sports Tribunal

- (g) A student of the centre concerned who is charged with misconduct as defined in Rule 27 in relation to the sporting activities of the University, or any social or other functions related thereto, shall appear before a Sports Tribunal.
- (h) A Sports Tribunal shall consist of the President of the relevant Sports body and two members of the Council of the relevant Sports body appointed by the President.

Joint Sports Tribunal

- (i) A student who is charged with misconduct as defined in Rule 27 which occurred in relation to the sporting activities undertaken in the name of the University as a whole, or any social or other functions related thereto, shall appear before a Joint Sports Tribunal.
- (j) A Joint Sports Tribunal shall consist of the Council of the relevant Sports body as a whole, or, if the Council so decides, an *ad hoc* committee of the Council consisting of not less than five members appointed by the Council.

Campus Tribunal

- (k) A student who is charged with Misconduct as defined in Rule 27 which is not subject to the jurisdiction of a tribunal mentioned in Rule 28(a),(c),(e),(g) or (i) shall appear before a Campus Tribunal.
- (l) A Campus Tribunal shall consist of not more than three members of the academic staff appointed by the Executive Dean.

INQUIRY PROCEDURE

- 29(a) A charge of Misconduct shall be brought against a student where:
 - (i) the President of a SRC, an Officer-in-Charge of a residence, a President of a House Committee, a President of the relevant Sports body, or the Chairperson of the Joint Sports Council or the Executive Dean, is of the opinion that a student has transgressed

a rule, the contravention of which is defined as Misconduct by Rule 27; or

- (ii) where a student has committed an act which constitutes a Misdemeanour as defined in Rule 21(1) but which, in the opinion of the Proctor is not in its nature sufficiently serious to warrant the penalties prescribed for a misdemeanour, and the Proctor, after consultation with the President of a SRC, an Officer-in-Charge of a residence, a President of a House Committee, a President of the relevant Sports body, or the Chairperson of the Joint Sports Council or the Executive Dean, has directed that a tribunal referred to in Rule 28 shall consider the charge.

30 A student who is charged with committing a Misconduct shall be summoned to appear before a tribunal referred to in Rule 28 by not less than 72 hours written notice in the manner prescribed for in Rule 16.

31(a) In conducting an inquiry a tribunal shall proceed in an inquisitorial manner and shall call and examine any witnesses who may be required to testify.

- (b) If a student, after notice duly given in terms of Rule 30, and without the leave of the tribunal, fails to attend the inquiry, the inquiry may proceed in the absence of the student, provided that the student may make written representations to the tribunal which the tribunal shall consider.

32(1) In the event of a tribunal referred to in Rule 28 finding a student guilty of Misconduct, it shall impose one or more of the following punishments:

- (a) reprimand or warning, or both,
- (b) an order for reparation for any damage to property or loss caused, payable by a date stipulated by the Tribunal.
- (c) a fine not exceeding R1000, provided that a House Committee Tribunal shall not impose a fine exceeding R120 payable by a date stipulated by the Tribunal,
- (d) where the charge of misconduct is heard by:
 - (aa) a Residence Tribunal:
 - (i) deprivation of all or specified student privileges in the residence,
 - (ii) the performance of such duties or tasks in, or on behalf, of the residence as the tribunal may

determine for a period that shall not exceed one semester;

(iii) exclusion for a stated period from any residence or part of a residence.

(iv) expulsion from the residence; provided that this sentence shall immediately be reported to the Executive Dean and shall not come into effect unless and until it has been approved by the Executive Dean, who shall thereupon inform the student that he or she is expelled from the residence; provided further that where a sentence of expulsion from a residence has been confirmed by the Executive Dean in the manner provided in this rule, and unless the Executive Dean directs otherwise, the student shall not be admitted to another residence.

(bb) a Joint Sports Tribunal or Sports Tribunal: suspension from participating in all or specified sporting activities or from all or specified facilities under the jurisdiction of the Joint Sports Council or relevant Sports body for a period not exceeding 180 days.

(cc) the SRC:

(i) exclusion from the Students' Union for a period not exceeding 90 days, or

(ii) exclusion from all or specified facilities under the jurisdiction of the SRC for a period not exceeding 180 days.

(dd) a Campus Tribunal : suspension from participating in all or specified campus activities or from all or specified campus facilities for a period not exceeding 180 days.

(2) The conviction shall be recorded on the record of the student for the duration of the student's studies at the University, unless the Tribunal specifically directs otherwise.

(3) The Chair of the Tribunal shall, immediately on conclusion of proceedings, forward a copy of the record, findings and any sanction imposed on the student(s) to the Office of the Executive Dean and the relevant Proctor.

33 A student may appeal against a decision of a tribunal referred to in

Rule 28 in the manner set out in Rule 40.

SUMMARY INQUIRIES

- 34(a) Notwithstanding the provisions of Rules 23(c) or 30, a tribunal referred to in Rule 22 or 28 may conduct an inquiry upon 24 hours notice to the student concerned and upon verbal information of the details of the charge to the student concerned supplied not later than the commencement of the inquiry, provided that the student concerned freely and voluntarily admits the charge and agrees to appear before an inquiry held in terms of this rule.
- (b) A student may appeal against a decision of a tribunal held in terms of this rule in the manner set out in Rules 39 and 40 respectively.

SPOT FINES

- 35(a) A person referred to in this rule may impose a fine (hereinafter referred to as a 'spot fine') in terms of the provisions of this rule.
- (b) A spot fine, payable within a stipulated period, may be imposed by an Officer-in-Charge of a residence, or a Residence Assistant, or a member of a House Committee of a residence, or, for traffic offences, any person authorised in terms of the Traffic Rules.
- (c) A spot fine may be imposed by an authorised person referred to in this rule if such person, on reasonable grounds, has reason to believe that a student is guilty of misconduct as defined in Rule 27 or, in the case of a Traffic Warden, has contravened Rule 21(1)(e).
- (d) A spot fine imposed in terms of this rule shall not exceed:
- (i) **R200** when imposed by an Officer-in-Charge of a residence; or
 - (ii) **R100** when imposed by any other authorised person
- (e) A Residence Assistant, or a member of a House Committee of a residence, who has imposed a spot fine upon a student shall, within 72 hours, report the name of the student fined and the amount of the fine to the Officer-in-Charge of the residence, who, after due consideration of the circumstances, shall confirm or cancel the fine.
- (f) If an Officer-in-Charge of a residence has imposed a spot fine, or has confirmed a spot fine in terms of (e) above, the student having been informed may, within 72 hours, apply to the Director of Student Housing to review the decision of the Officer-in-Charge and the Director of Student Housing shall have a discretion either to set aside or to confirm the fine.
- (g) Where a Traffic Warden has imposed a spot fine upon a student, the student may, within 72 hours, appeal in writing to the Divisional

Director (Risk Management Services) who, after due consideration, shall have a discretion either to confirm, vary or cancel the fine.

SUSPENSION OF SENTENCES

- 36(a)** Any Student Discipline Court or disciplinary tribunal constituted under these rules may direct that the operation or execution of any penalty imposed by the said court or tribunal shall be suspended for a period not exceeding the time the student remains a registered student of the University and upon such conditions as the tribunal may deem appropriate, provided that a warning or reprimand and the punishments referred to in Rule 18(a)(vii) shall not be suspended.
- (b)** Where a punishment imposed in terms of these rules has been suspended and the student concerned breaches a condition of such suspension, a Court or disciplinary tribunal equivalent to that which originally imposed the punishment may:
- (i)** order that the suspended punishment be brought into operation; or
 - (ii)** order the further suspension of the execution or operation of the punishment on the same or different conditions; or
 - (iii)** make such other order as it deems proper in relation to the suspended punishment.

APPEALS

- 37(a)** A student or the University may appeal in the manner hereinafter provided against any conviction for a contravention of these rules or against any sentence imposed by a Student Discipline Court or any tribunal. For these purposes an appeal may include a request to review the proceedings of the Court on the grounds of procedural irregularity in terms of these rules or on the grounds that the Court failed to observe the rules of natural justice.
- (b)** Unless the court or tribunal directs otherwise at the time of imposing the punishment, the operation of any punishment imposed by the Student Discipline Court or a tribunal shall be suspended until an appeal instituted under these rules has been finally disposed of; provided that if, in the opinion of the Executive Dean, it is in the interests of the University, or the students of the University, that the operation of the sentence be not suspended, the Executive Dean may order that the operation of the sentence be not suspended; provided

further that in the event that the court or tribunal has failed to consider whether the operation be suspended, the Executive Dean shall determine whether the operation of the sentence shall be suspended or not.

Appeal to Council

- 38(a)** A student convicted by a Student Discipline Court may appeal against the conviction or sentence, or both, and the University may appeal against any acquittal or sentence imposed by the Court, to the Council of the University in the manner provided in this rule.
- (b) The appellant (whether a student or the University) shall apply to the Student Discipline Court for leave to appeal to the Council against the conviction or a sentence, as the case may be.
- (c) Such application, based solely on evidence already led and/or representations to the Student Discipline Court, shall be made either:
- (i) by way of verbal presentation, setting forth the grounds of appeal after sentence has been handed down, and before the conclusion of the proceedings; or
 - (ii) written notice setting forth the grounds of appeal which must be lodged with the Registrar within 3 working days of the conclusion of the proceedings.
- (d) If the Court considers that the appeal has a reasonable prospect of success, it shall grant leave to appeal.
- (e) (i) If the Court refuses leave to appeal to any student who has been convicted under these rules, the student may petition the Council to allow an appeal.
- (ii) Such petition shall be in writing and shall set out the grounds for seeking relief and shall be lodged with the Registrar within ten (10) working days of the Court refusing leave to appeal.
 - (iii) The Registrar shall refer the petition to the Legal Adviser to the University who shall consider the petition and who shall thereafter advise the Chairperson of the Council.
 - (iv) The Chairperson of the Council shall either grant or refuse the petition.
 - (v) If the petition is granted the appeal shall be heard in the manner set out in this rule.
 - (vi) The decision of the Chairperson of the Council shall be final and no further petition shall be received or considered.
- (f) Should the Court or the Chairperson of the Council grant leave to appeal, the Registrar shall forward to the Appeal Committee of the Council the notice of appeal together with the transcript of the

proceedings of the inquiry and the report of the Court made in terms of Rule 19.

- (g) The Registrar shall give the appellant and the respondent at least 120 hours written notice of the time and place of the hearing of the appeal and shall provide a student who is an appellant or respondent with a single copy of the record if so requested.
- (h)
 - (i) The appeal shall be heard by the Appeal Committee of the Council;
 - (ii) The Appeal Committee shall comprise three members appointed by the Chairman of the Council from a panel of persons appointed by the Council for this purpose; provided that the membership of this panel shall not be confined to persons who are members of the Council;
 - (iii) The president of an Appeal Committee shall be a person who is a lawyer.
- (i) Unless the Council directs otherwise, the appeal shall be based solely upon the record of the proceedings of the Student Discipline Court; provided that the Appellant may, on written application to the Registrar seek the approval of the Appeal Committee to the introduction of additional evidence. Such evidence shall:
 - (i) be lodged with the Registrar within ten (10) working days of the Court's decision under Rule 38(d), or the granting of a petition under Rule 38(e)(iv); and
 - (ii) set out fully the nature and purpose of such additional evidence and the name(s) of any proposed additional witness(es);
 - (iii) be argued before the Appeal Committee at the commencement of the appeal hearing.

The Appeal Committee may, if it considers it to be in the interests of justice, grant the application and hear such additional evidence as part of the appeal.
- (j) At the hearing of the appeal the appellant and respondent shall be allowed to address the Committee, in the case of a student, either personally or through a person referred to in Rule 13 and, in the case of the University, through the Registrar or the Registrar's nominee.
- (k) The Appeal Committee shall either grant or dismiss the appeal in whole or in part and may either increase or reduce any sentence imposed and may order that its decision be published in the manner contemplated in Rule 18(d); provided that the decision of the Committee shall be reported to Council at the next ordinary meeting of the Council.

- (l) The provisions of this rule shall apply in all appropriate respects to an appeal by a student organisation charged in terms of Rule 15 or on appeal by the University in respect of any sentence imposed upon such organisation.
- (m) In the event that no appeal is made against a conviction or sentence as contemplated by this rule, and the Council has reason to believe that a student has been wrongly convicted, or that the sentence imposed on a student is grossly excessive, the Council may appoint from the panel referred to in (h)(ii) above a committee that shall review the conviction or sentence and make recommendations to the Council in this regard; provided that the committee shall not recommend to Council that the conviction or sentence be set aside merely by reason of some formal or technical defect in the proceedings before the Student Discipline Court which did not result in a substantial failure of justice.

Appeal to a Discipline Court

- 39(a) An appeal against a conviction or sentence by an Executive Dean's Tribunal or, where appropriate, Traffic Tribunal, shall be heard by the Student Discipline Court in the manner set out in this rule.
- (b) A student convicted by an Executive Dean's Tribunal may apply to the tribunal for leave to appeal to the Student Discipline Court against the conviction or any punishment imposed.
- (c) Such application shall be by way of written notice setting forth the grounds of appeal and must be lodged with the Office of the Executive Dean (Students) within 240 hours of the conclusion of the proceedings.
- (d) If the tribunal, after consultation with the Proctor, considers that the student has a reasonable prospect of success on appeal, it shall grant leave to appeal.
- (e) A decision by the tribunal not to grant leave to appeal shall be final.
- (f) If leave to appeal is granted, the appeal shall be heard by a Student Discipline Court constituted in the manner set out in Rule 11.
- (g) (i) If leave to appeal is granted against the conviction of the student, the Student Discipline Court shall hear the charge against the student *de novo*, and the proceedings shall be conducted in the manner prescribed in Rule 17.
(ii) If leave to appeal is granted against sentence only, the Student Discipline Court shall only hear evidence in mitigation of sentence.

- (h) The Student Discipline Court may:
 - (i) allow or disallow the appeal;
 - (ii) confirm, set aside, or amend the sentence and impose such other sentence as it considers appropriate; and its decision shall be final.
- (i) The provisions of this rule shall apply in all appropriate respects to an appeal by a student organisation charged in terms of Rule 15.

Appeal to Executive Dean's Tribunal

- 40(a) An appeal against a conviction or sentence by a tribunal referred to in Rule 28 shall be heard by an Executive Dean's Tribunal in the manner set out in this rule.
- (b) A student convicted by a tribunal referred to in Rule 28 may apply for leave to appeal to an Executive Dean's Tribunal against the conviction or any punishment imposed.
- (c) Such application must be made in writing and lodged with the Executive Dean within 240 hours of the conclusion of the hearing, and the Executive Dean shall decide whether to allow the appeal to be heard.
- (d) Should leave to appeal be granted, the case shall be heard *de novo* by an Executive Dean's Tribunal in the manner set out in Rule 24.
- (e) The tribunal shall either grant or dismiss the appeal in whole or in part and its decision shall be final.
- (g) The provisions of this rule shall apply in all appropriate respects to an appeal by a student organisation charged in terms of Rule 15.

MISCELLANEOUS

University's Representative

- 41 The Executive Dean shall appoint one or more persons with appropriate legal qualifications in each centre of the University who shall represent the University in all proceedings before the Student Discipline Court and, where this is appropriate, any other tribunal established under these Rules.

Appointment of Student's Representative

- 42(a) After consultation with the Dean of the Faculty of Law, the Executive Dean shall appoint in each centre of the University one or more Student's Representatives who shall be full-time members of the academic staff in the Faculty of Law or post graduate students in the Faculty of Law.

- (b) The Student's Representative shall, if requested by a student:
- (i) advise the student on any matter affecting any charge laid under these rules, and in particular on the nature of any defence which may be available to the student and the nature of the evidence required to establish that defence;
 - (ii) appear on behalf of the student at any inquiry before the Student Discipline Court or Executive Dean's Tribunal established under these rules, and conduct the defence of the student.

Proctor

- 43(a)** After consultation with the Dean of the Faculty of Law, the Executive Dean shall appoint in each centre of the University, and for such period as the Executive Dean may determine, one or more Proctors who may be full-time members of the academic staff in the Faculty of Law.
- (b) The Proctors shall advise the Executive Dean in any matter relating to student discipline in the University.

Fines and Reparations

- 44(a)** Any fine or reparation levied under these rules shall be paid by the student or student organisation to the Finance Officer of the University within the time period stipulated in terms of Rule 18(a)(iii), Rule 25(iii), Rule 32(c) or Rule 35(d) or, where an appeal has been instituted in terms of these Rules, within 21 days of the final disposal of the appeal.
- (b) Upon application to the Office of the Executive Dean (Students) by the student or student organisation, an extension of time for the payment of a fine or reparation may be granted, or the payment of a fine or reparation in instalments may be permitted, at the discretion of the Office of the Executive Dean (Students) in consultation with the Proctor.
- (bA) In the event of a fine or reparation imposed on a student not being paid by the date stipulated by the Court, Tribunal, or Proctor (as the case may be), or by the extended date granted by the Executive Dean in terms of Rule 44(b), then the amount in question will be debited to the student's fee account.
- (c) In the event of a student organisation failing to make payment within the period provided by this rule, the Executive Dean, after written warning delivered to the organisation, may suspend such organisation until the fine is paid.

- (d) All fines or reparation paid in terms of these rules shall accrue to the general funds of the University.
- 45(a)** A Student who is alleged to have cheated in any class test, assignment or similar form of assessment may, instead of being charged as provided in these rules, be permitted by the Head of the School concerned to admit guilt by signing the approved form if –
- (i) that assessment constitutes not more than 25% of the final overall mark for the module in question; and
 - (ii) the student has not previously been found guilty of cheating or admitted guilt in relation to cheating; and
 - (iii) the Head of School is of the opinion that the alleged cheating does not warrant a penalty beyond that specified in Rule 45(c).
- (b) For the purpose of this rule cheating includes all forms of cheating as defined in Rule 9(e), including direct copying from the work of other students past or present, but it shall not include other forms of plagiarism.
- (c) If a student admits guilt as above –
- (i) the result of the assessment in question shall be cancelled or forfeited;
 - (ii) the name and faculty of the student shall be published in the University manner approved by Council;
 - (iii) the admission of guilt shall be recorded on the record of the student for the duration of the student's studies at the University for use only within the University.
- (d) (i) A student who alleges that guilt was admitted by mistake, in ignorance or by reason of irregular procedure may, within 3 days of signing the admission, apply in writing to the Proctor giving reasons for the view of the admission of guilt.
- (ii) Such an application shall be investigated by the Proctor who may set aside the admission of guilt, in which case the matter shall be referred to the appropriate tribunal for an inquiry into a charge of cheating.
- (e) The Head of School or appropriate Deputy Dean shall forward a copy of the signed admission of guilt form to the Office of the Executive Dean and the relevant Proctor.
- 46(a)** A student who is alleged to have committed a breach of these Rules may, instead of being charged as provided in the Rules, be permitted by the Proctor concerned to admit guilt by signing the approved form,

- if
 - (i) the student has not previously been found guilty of, or admitted guilt to, any offence, misdemeanour, or misconduct as defined in these rules;
 - (ii) the Proctor is of the opinion that the alleged breach does not warrant a penalty more severe than that specified in Rule 46(b)(i).
- (b) If the student admits guilt in terms of (a) above, the Proctor shall
 - (i) impose one or more of the following punishments:
 - (aa) a warning or reprimand, or both;
 - (bb) a fine of not more than R500, payable within 21 days;
 - (cc) reparation for damage caused, payable by a stipulated date;
 - (ii) forward a copy of the signed admission of guilt form together with details of the punishment imposed to the Executive Dean for confirmation.
- (c) On confirmation by the Executive Dean,
 - (i) the name and faculty of the student shall be published in the University in the manner approved by Council;
 - (ii) the admission of guilt shall be recorded on the record of the student for the duration of the student's studies at the University, for use only within the University.
- (d)
 - (i) A student who alleges that he or she admitted guilt by mistake, in ignorance, or by reason of irregular procedure, may, within 3 working days of signing the admission, apply in writing to the Executive Dean to withdraw the admission.
 - (ii) The Executive Dean may set aside the admission of guilt, in which case the matter shall be referred to the Proctor for the institution of an inquiry in accordance with these Rules.

Expunging of conviction and sentence from student's academic record

- 47(a) Any person convicted and sentenced by any tribunal established in terms of these Rules, in respect of any offence, misdemeanour, or misconduct, may apply to the Executive Dean for the conviction and sentence to be expunged from his/her Academic Record.
- (b) The Executive Dean shall consult the DVC/Head of College in which the student was registered and, thereafter, having considered all relevant facts and circumstances, including the nature of the misdemeanour, misconduct, or offence, and the period of time that has elapsed, may direct that the conviction and sentence be expunged

from the Academic Record of the Applicant.

Application for readmission by expelled student

- 48(a)** A person expelled in terms of these rules may, after a period of 7 years, make application to the University for readmission as a student.
- (b) Such application shall not be considered as an application for the setting aside of any finding, conviction or sentence.
 - (c) The application must be in writing, setting out in full the grounds on which the Applicant bases his/her case, and must be lodged with the Registrar.
 - (d) The application shall be heard by a three-person committee appointed by the Chair of the University Council.
 - (e) The committee may call for additional information and shall call upon the Executive Dean, any complainant/victim, and any other interested party to file written replies and make written submissions in relation to the application. The Applicant will be entitled to receive copies of such replies and submissions and to respond to them in writing.
 - (f) The committee shall determine its procedures and its time frames for replies, submissions and responses.
 - (g) The committee may decide the matter on the papers or it may elect to hold an oral enquiry.
 - (h) The committee may grant the application if it is satisfied that readmission is warranted in all the relevant circumstances. In deciding this question, the committee must have regard to the following factors, in addition to any other relevant factors:
 - (i) the nature and gravity of the offence;
 - (ii) the length of the period that has elapsed since the expulsion;
 - (iii) the views and attitude of the Executive Dean in relation to the application;
 - (iv) the views and attitude of the complainant/victim and any other interested party in relation to the application;
 - (v) the degree of remorse (if any) shown by the applicant;
 - (vi) any steps taken by the applicant (such as counselling, therapy, and training) to rehabilitate himself/herself;
 - (vii) the conduct of the applicant after the expulsion.
 - (i) If the committee dismisses the application, no further application will be considered by the University.
 - (j) If the committee grants the application, the effect will be to allow the

person to apply to study at the University. Such application must be dealt with on its merits in accordance with the relevant academic rules and policies relating to admission.



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